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EXAMINER	
TEKLE, DANIEL T	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/632,890	DANIELI, DAMON V.	
	Examiner	Art Unit	
	DANIEL TEKLE	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 September 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-54,56-62,64-75 and 77-80* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-54, 56-62, 64-75 and 77-80* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Argument

Applicant's arguments filed September 30, 2008 have been fully considered but they are not persuasive.

Applicant argument regarding claim 1-54, 56-62, 64-75 and 77-80, see the new ground rejection, new paragraph and comment cited below.

Applicant's arguments with respect to claim 1-54, 56-62, 64-75 and 77-80 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1-6 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boston et al. (US 2008/0013919), further in view of Geng (US 6064423)

Regarding Claim 1: Boston et al. discloses a method comprising: obtaining audio/video data from a disc **(paragraph 0105)**; presenting the audio/video data to a user **(paragraph 0105)**; obtaining a set of executable software instructions from the disc **(paragraph 0114)**; receiving an input from the user; and executing, in response to the input, one or more instructions of the set of executable software instructions to determine how to enhance presentation of the audio/video data to the user by using programmatic data associated with the disc **(paragraph 0122),** while Geng discloses

the programmatic data comprises: 3D representational data **(column 5 lines 23-29)**; 360 degree pictorial information **(column 5 lines 23-29)**; 2D information **(column 9 lines 1-14)**; markup data **(column 8 lines 13-14)**; the set of executable software instructions **(column 8 lines 13-14)**; data identifying an enhanced functionality corresponding to different devices **(Abstract)**; enhanced video/audio data **(Abstract and for audio part look on Boston et al. paragraph 0105)**; informational data **(Abstract)**; data identifying which content is to be displayed for different rating levels **(fig. 2b of Boston et al.)**; and different display format data **(paragraph 0171 of Boston et al.)**.

It would have been obvious to one ordinary skill in the art at the time of the invention was made to combined Geng invention into Boston et al. in order to have a 3D audio/video data.

Regarding Claim 2: Boston et al. discloses a method as recited in claim 1, further comprising: obtaining the programmatic data from the disc **(paragraph 0463)**.

Regarding Claim 3: Boston et al. discloses a method as recited in claim 1, further comprising: obtaining the programmatic data from a local storage device **(paragraph 0499)**.

Regarding Claim 4: Boston et al. discloses a method as recited in claim 1, further comprising: obtaining the programmatic data from a remote storage device **(paragraph 0499)**.

Regarding Claim 5: Boston et al. discloses a method as recited in claim 1, wherein the user input comprises a user input requesting an action be taken regarding playback of the audio/video data **(paragraph 0017)**.

Regarding Claim 6: Boston et al. discloses a method as recited in claim 1, wherein executing the one or more instructions of the set of executable software instructions comprises: identifying a temporal location of the audio/video data currently being played back **(paragraph 0138)**; identifying programmatic data corresponding to the identified temporal location **(paragraph 0138)**; and executing the one or more instructions of the set of executable software instructions to determine how to enhance presentation of the audio/video data currently being played back using the identified programmatic data **(paragraph 0185)**.

Regarding Claim 45: Boston et al. discloses a method performed by a playback device, the method comprising: obtaining audio/video content to be presented to a user **(paragraph 0128)**; obtaining programmatic data associated with the audio/video content **(paragraph 0121)**; and responsive to an input from the user, executing a set of executable instructions in conjunction with playing back the audio/video data, wherein the executable instruction are loaded by the playback device when the audio/video content is initially accessible to the playback device, wherein the set of executable instruction use the programmatic data to improve a quality of the video of the audio/video content and the programmatic data **(paragraph 0121)** comprises: 3D representational data **(column 5 lines 23-29)**; 360 degree pictorial information **(column 5 lines 23-29)**; 2D information **(column 9 lines 1-14)**; markup data **(column 8 lines 13-**

14); the set of executable software instructions **(column 8 lines 13-14)**; data identifying an enhanced functionality corresponding to different devices **(Abstract)**; enhanced video/audio data **(Abstract and for audio part look on Boston et al. paragraph 0105)**; informational data **(Abstract)**; data identifying which content is to be displayed for different rating levels **(fig. 2b of Boston et al.)**; and different display format data **(paragraph 0171 of Boston et al.)**.

It would have been obvious to one ordinary skill in the art at the time of the invention was made to combined Geng invention into Boston et al. in order to have a 3D audio/video data.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 7-44, 46-54, 56-62, 64-75 and 77-80 are rejected under 35 U.S.C. 102(e) as being anticipated by Boston et al. (US 2008/0013919).

Regarding Claim 7: Boston et al. discloses a method comprising: obtaining, from a source, audio/video data for presentation to a user **(paragraph 0105)**; obtaining, from the source, a set of executable instructions associated with the audio/video data **(paragraph 0105)**; obtaining programmatic data associated with the audio/video data

(paragraph 0121); and enhancing presentation of the audio/video data to the user based on the programmatic data processed by a playback device executing the set of executable instructions in conjunction with playback the audio/video data, wherein the set of excitable instruction are loaded by the playback device when the source is initially accessible to the playback device **(paragraph 0121)**.

Regarding Claims 8-9: Claims 8-9 are rejected for the same subject matter as claim 2.

Regarding Claim 10: Boston et al. discloses a method as recited in claim 7, wherein the enhancing comprises improving the quality of the video data of the audio/video data **(paragraph 0102)**.

Regarding Claim 11: Boston et al. discloses a method as recited in claim 7, wherein the enhancing comprises creating an HDTV (High Definition TV) version of the video data of the audio/video data **(paragraph 0102)**.

Regarding Claim 12: Boston et al. discloses a method as recited in claim 7, wherein the enhancing comprises converting the video data of the audio/video data to a different aspect ratio **(paragraph 0102, 0170 and fig. 10a)**.

Regarding Claim 13: Boston et al. discloses a method as recited in claim 7, wherein the enhancing comprises incorporating popup information into the video data of the audio/video data **(paragraph 0321)**.

Regarding Claim 14: Boston et al. discloses a method as recited in claim 7, wherein the enhancing comprises displaying popup information when playback of the audio/video data is paused **(paragraph 0321)**.

Regarding Claim 15: Boston et al. discloses a method as recited in claim 7, wherein the enhancing comprises allowing the user to scan through important scenes of the audio/video data, wherein the important scenes are identified in the programmatic data **(paragraph 082-083)**.

Regarding Claim 16: Boston et al. discloses a method as recited in claim 7, wherein the enhancing comprises presenting, to the user, a summary of important scenes of the audio/video data up to a particular point in the audio/video data **(paragraph 0021)**.

Regarding Claim 17: Boston et al. discloses a method as recited in claim 7, wherein the enhancing comprises allowing the user to access additional episodic content associated with the audio/video data **(paragraph 0143)**.

Regarding Claim 18: Claim 18 are rejected for the same subject matter as claims 7-17.

Regarding Claim 19: Boston et al. discloses a method comprising: receiving audio/video content for playback **(paragraph 0121)**; receiving programmatic data associated with the audio/video content, wherein the programmatic data comprises information describing a difference between the audio/video content and an enhanced audio/video content **(paragraph 0121)**; and executing a set of executable instructions to enhance the playback of the audio/video content, wherein the enhancement is based at

least in part on adding the programmatic data to the audio/video content to generate the enhanced audio/video content **(paragraph 0121)**.

Regarding Claim 20-21: Claim 20-21 are rejected for the same subject matter as claim 2 and 9 respectively.

Regarding Claims 22-23: Claims 22-33 are rejected for the same subject matter as claim 3 and 4.

Regarding Claims 24-31: Claims 24-31 are rejected for the same subject matter as claim 10-17 respectively.

Regarding Claim 32: Claim 32 are rejected for the same subject matter as claim 7. In addition to applicant argument regarding claim 36, see paragraph 0090.

Regarding Claims 33-34: Claims 33-34 are rejected for the same subject matter as claim 9.

Regarding Claim 35: Claim 35 are rejected for the same subject matter as claim 32.

Regarding Claim 36: Claim 36 are rejected for the same subject matter as claim 1. In addition to applicant argument regarding claim 36, see paragraph 0090.

Regarding Claims 37-44: Claims 37-44 are rejected for the same subject matter as claims 10-17 respectively.

Regarding Claim 46: Claim 46 are rejected for the same subject matter as claim 2.

Regarding Claim 47: Boston et al. discloses a comprising: obtaining audio/video content to be presented to a user; obtaining programmatic data associated with the audio/video content; and executing a set of executable instructions that use the programmatic data to create an HDTV (High Definition TV) version of a video of the audio/video content **(paragraph 0172),** wherein the programmatic data comprises additional information describing regions of the HDTV version absent from the audio/video content due to an aspect ration and an increased picture quality for the audio/video content **(paragraph 0173)**.

Regarding Claim 48: Claim 48 are rejected for the same subject matter as claim 2.

Regarding Claim 49: Boston et al. discloses a method comprising: obtaining audio/video content having a first aspect ration to be presented to a user **(paragraph 0102)**; obtaining programmatic data associated with the audio/video content **(paragraph 0102)**; and executing a set of executable instructions that use the programmatic data to convert the video of the audio/video content from the first aspect ration to a second aspect ratio having at least one dimension smaller than the first aspect ration by removing at least one of rows of pixels or columns of pixels from the audio/video content **(paragraph 0172-0173)**.

Regarding Claim 50: Claim 50 are rejected for the same subject matter as claim 2.

Regarding Claim 51: Boston et al. discloses a method comprising: obtaining audio/video content to be presented to a user; obtaining programmatic data associated with the audio/video content; and executing a set of instructions that use the

programmatic data to incorporate popup information into the video of the audio/video content **(paragraph 0114 and 0138),** wherein the pop up data information includes a link that, when selected by the user, allows the user to purchase an item being displayed as part of the video **(paragraph 0112 and Fig. 3)**.

Regarding Claim 52: Claim 52 are rejected for the same subject matter as claim 13.

Regarding Claim 53: Claim 53 are rejected for the same subject matter as claim 27.

Regarding Claim 54: Boston et al. discloses a method as recited in claim 51, wherein the popup information includes text overlaying the video **(paragraph 0324)**.

Regarding Claim 56: Boston et al. discloses a method as recited in claim 51, wherein the set of instructions, the audio/video content, and the programmatic data are all obtained from the same DVD **(paragraph 0083)**.

Regarding Claim 57: Boston et al. discloses a method performed by a content player, the method comprising: obtaining audio/video content having a unique identifier, the audio/video content to be presented to a user **(paragraph 0321)**; obtaining programmatic data associated with the audio/video content; and executing a set of executable instructions associated with the unique identifier that use the programmatic data to display popup information when playback of the audio/video content is paused **(paragraph 0321),** wherein an association between the unique identifier and the set of executable instructions is stored in a memory of the content player **(paragraph 0321)**.

Regarding Claims 58-61: Claims 58-61 are rejected for the same subject matter as claim 53-56 respectively.

Regarding Claim 62: Boston et al. discloses a method comprising: obtaining audio/video content to be presented to a user; obtaining programmatic data associated with the audio/video content; and executing a set of instructions that use the programmatic data to allow the user to scan through important scenes of the audio/video content **(paragraph 0424)** wherein the programmatic data includes data identifying portions of the audio/video content that are important to the plot of the audio/video content, and wherein the user is allowed to scan through the portions of the audio/video content that are important to the plot **(paragraph 0136 and 0154)**.

Regarding Claim 64: Boston et al. discloses a method as recited in claim 62, wherein the programmatic data includes data identifying portions of the audio/video content that are important to a sub-plot of the audio/video content, and wherein the user is allowed to scan through the portions of the audio/video content that are important to the sub-plot **(paragraph 0415)**.

Regarding Claim 65: Boston et al. discloses a method as recited in claim 62, wherein the executing comprises executing the set of instructions that use the programmatic data to allow the user to scan through the important scenes by jumping to a next important scene of a plurality of important scenes in response to a user request **(paragraph 0273)**.

Regarding Claim 66: Boston et al. discloses a method as recited in claim 65, wherein the user request comprises activation of a scan button on a remote control **(paragraph 0111-0112)**.

Regarding Claim 67: Boston et al. discloses a method as recited in claim 62, wherein executing comprises executing the set of instructions that use the programmatic data to allow the user to scan through the important scenes by playing back only a set of important scenes in response to a single user request **(paragraph 0273)**.

Regarding Claim 68: Claim 68 are rejected for the same subject matter as claim 61.

Regarding Claim 69: Boston et al. discloses a method comprising: obtaining audio/video content to be presented to a user; obtaining programmatic data associated with the audio/video content; and executing a set of instructions that use the programmatic data to present, to the user, a summary of important scenes of the audio/video content up to a particular point in the audio/video content **(paragraph 0021 and fig. 3 element 320)**.

Regarding Claim 70: Boston et al. discloses a method as recited in claim 69, wherein the particular point in the audio/video content comprises the point at which the user indicates playback of the audio/video content is to begin **(paragraph 0271)**.

Regarding Claim 71: Boston et al. discloses a method as recited in claim 69, further comprising: determining a position in the audio/video content where playback of the audio/video content last stopped; and using the position as the particular point **(paragraph 0271)**.

Regarding Claim 72: Claim 72 are rejected for the same subject matter as claim 61.

Regarding Claim 73: Boston et al. discloses a method comprising: obtaining audio/video content to be presented to a user; obtaining programmatic data associated with the audio/video content; and executing a set of instructions that use the programmatic data to allow the user to access additional episodic content associated with the audio/video content **(paragraph 0021),** and charging a fee for access to the additional episodic content **(paragraph 0097 show a one way of payment method and fig. 4)**.

Regarding Claim 74: Boston et al. discloses a method as recited in claim 73, wherein the additional episodic content includes additional scenes of the audio/video content **(paragraph 0143)**.

Regarding Claim 75: Boston et al. discloses a method as recited in claim 73, wherein the additional episodic content comprises an additional audio track associated with the audio/video content **(paragraph 0143)**.

Regarding Claim 77: Claim 77 are rejected for the same subject matter as claim 61.

Regarding Claim 78: Boston et al. discloses a system comprising: a processor **(paragraph 0117)**; a memory coupled to the processor and configured to store a plurality of modules **(fig. 2)**; an audio/video playback module configured to receive audio/video content for playback **(fig. 2)**; and a programmatic data control module configured to: receive programmatic data associated with the audio/video content **(paragraph 0122)**; monitor a stream of the audio/video content for temporal location

identifiers to map the programmatic data to the audio/video content **(paragraph 0122)**; and enhance the playback of the audio/video content, wherein the enhancement is based at least in part on the programmatic data, wherein the programmatic data and the audio/video content are part of a same data stream received from a same source **(paragraph 0121)**.

Regarding Claims 78-80: Claims 78-80 are rejected for the same subject matter as claims 7, 18 and 61 respectively.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-

1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
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